

The Honorable Commissioner of Patents
and Trademarks

Page 7

REMARKS

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments and following remarks.

The present application contains claims 1 to 26.

Applicant has amended the independent claims 1, 16, 22, and 23 to better define the invention by amending the claims to include the limitation of sparse dense wavelength division multiplex (S-DWDM) wavelength; and further specifying that the S-DWDM wavelength has a separation that is multiple of a separation in a dense wavelength division multiplex (DWDM) wavelength plan used in a core network. Support for the amendment may be found, for example, page 42, line 12 to page 43, line 15; page 62, line 4 to page 64, line 23 and in Figure 10, 11 of the specification as originally filed.

Applicant has further amended the indefinite term "a" in the dependent claims to definite term "the".

The Examiner rejected claims 1-6, 8-20 and 22-26 under U.S.C. 102 (e) as being anticipated by Kuykendall (U.S. Publication No. 2002/0181044), hereinafter referred to as Kuykendall.

Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Kuykendall fails to disclose or suggest, at least following features:

1. Photonic switch: The photonic switch as claimed in the present application is described, for example, at page 65, line 18 to page 66, line 3. Numeral 16 in Figure 2 of Kuykendall, on the other hand, is a hub concentration node which multiplexes and demultiplexes the services for the end users (paragraph 0081 of Kuykendall). A person skilled in the art would readily understand the structural, and functional differences between the photonic switch as claimed and the hub concentration node of Kuykendall.
 2. Sparse DWDM: The sparse DWDM as claimed in the present application, has been described, for examples, at page 42, line 12 to page 43, line 15; page
-

The Honorable Commissioner of Patents
and Trademarks

Page 8

62, line 4 to page 64, line 23 and in Figure 10, 11. Kuykendall does not teach or suggest the use of sparse DWDM. In fact, by emphasizing to minimize the dedicated user bandwidth to 2 GHz or below by using holographic channelization (paragraph 0060 of Kuykendall); and by using multiple laser powers in S-, L- and C- bands (paragraphs 0070-71 of Kuykendall) Kuykendall teaches away from the sparse DWDM, which uses a multiple of the separation in a DWDM wavelength plan.

3. Core node: The core node of the present invention is, as described throughout the specification, for example at page 37, is part of a core network operating at up to multi-terabits per second level. It is not an enterprise bandwidth switch as described in Kuykendall.

Applicant therefore respectfully requests reconsideration and withdrawal of this anticipation rejection.

The Examiner further rejected claims 7 and 21 under 35 U.S.C. 103(a) as being unpatentable in view of Kuykendall.

Applicant respectfully traverses the rejection. As discussed, Kuykendall failed to disclose or suggest the inventions defined by Applicant's amended claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention. Withdrawal of this rejection is requested.

In view of the above comments and amendments, and having dealt with all of the matters raised by the Examiner, early and favourable consideration of this application on its merits is respectfully requested.

Respectfully Submitted,



Dallas H. Smith
Registration No. 34,074

DHS/XL/tb
c/o

GOWLING LAFLEUR HENDERSON LLP
160 Elgin Street, Suite 2600
Ottawa, Ontario
K1P 1C3

The Honorable Commissioner of Patents
and Trademarks

Page 9

Telephone: CANADA
(613) 233-1781
Facsimile: (613) 563-9869
Date: June 29, 2005